

OPINION 1085

THE AUTHOR OF *POLYCERA FAEROENSIS* (MOLLUSCA, OPISTHOBRANCHIA) IS LEMCHE, 1929

RULING.- (1) The specific name *faeroensis*, as published in the binomen *Polycera faeroensis*, is hereby placed on the Official List of Specific Names in Zoology with the authorship attributed to Lemche and the date 1929 (Name Number 2609).

HISTORY OF THE CASE Z.N.(S.) 2013

On 10 July 1972 an application was received from Dr Lemche for a declaration that the binomen *Polycera faeroensis* had been validly published by him in 1929, and not by Odhner, 1941. His application was sent to the printer on 20 September 1972 and published on 10 October 1973 in *Bull. zool. Nomencl.* vol. 30: 91. No comment was received.

DECISION OF THE COMMISSION

On 22 September 1976 the members of the Commission were invited to vote under the Three-Month Rule on Voting Paper (1976) 21 for attributing the specific name *faeroensis*, as published in the binomen *Polycera faeroensis*, either to Lemche, 1929, or to Odhner, 1941. At the close of the Voting Period on 22 December 1976, the state of the voting was as follows:

For Lemche, 1929 - nineteen (19) received in the following order: Melville, Eisenmann, Mroczkowski, Holthuis, Vokes, Willink, Lemche, Rohdendorf, Tortonese, Ride, Brinck, Habe, Binder, Sabrosky, Starobogatov, Bayer, Dupuis, Nye, Bernardi

For Odhner, 1941 - Vokes, Welch, Kraus

Abstention - Corliss.

A late vote for Lemche was returned by Dr Alvarado. No voting paper was returned by Mr Heppell.

The following comments were sent in by members of the Commission with their voting papers:

Holthuis: As Lemche distributed his paper in 1929 to interested zoologists, there can be no doubt in my mind that he is the author of the paper.

Vokes: I find no indication that the Lemche, 1929, paper was freely available to all, as is a basic requirement for "publication" of a scientific name.

Lemche: My vote follows recent usages. [Dr Lemche later provided the names of 40 foreign zoologists who, in addition to 15 recipients in Denmark, received copies of his work in 1929. R.V.M.]

Ride: Providing that Dr Lemche satisfies the Secretary that his action in distributing separates in 1929 meets the requirements of Art. 8(3) - i.e. that a person obtained a copy gratis in that year. If he cannot demonstrate this it will require the plenary powers to achieve that end. [See above]

Corliss: I like best "*Polycera faeroensis* Lemche in Odhner, 1941". Neither other alternative satisfies me. Both date and author are most correct in my proposal, I believe.

Sabrosky: The statement of evidence is inadequate and one must draw inferences, which can be erroneous. But assuming that Lemche's article was printed, his distribution (said to be "effective") was equivalent to an author's preprints, and the authorship and date would be Lemche, 1929. If he distributed manuscript copies, I should vote for Odhner, 1941. [It was printed R.V.M.]

Welch: On the basis of Art. 9(2) or (3), it appeared to me that Odhner should be designated as the author of the name. In reading Article 50 I believe there is an area of compromise; namely, to paraphrase Article 50, Odhner is the author of *P. faeroensis* because he first published it in a way that satisfies the criteria of availability unless it is clear from the contents of the publication that Lemche was responsible for the name and the contents that made it available. The basis of this last statement is the fact that Odhner cited Lemche, 1929, as the author and date. Turning to Art. 51c, it would seem to me that the citation should be "Odhner, 1941, (*ex* Lemche)". The net result, I suppose, is the same as that for which I voted but does give credit to Lemche.

Probably in use the "*ex* Lemche" would be forgotten and if the species was transferred to another genus things would become complicated in the authority citation.

ORIGINAL REFERENCE

The following is the original reference for the name placed on an Official List by the ruling given in the present Opinion:

faeroensis, *Polycera*, Lemche, 1929, *Zoology of the Faeroes* (ed. Ad. S. Jensen, W. Lundberg and Th. Mortensen; managing editor R. Spärck), LIII, *Gastropoda Opisthobranchiata*: 12-15.

CERTIFICATE

I certify that the votes cast on Voting Paper (76)21 were cast as set out above, that the first option offered in that voting paper has been duly adopted, and that the decision so taken, being the decision of the International Commission on Zoological Nomenclature, is truly recorded in the present Opinion No. 1085.

R.V. MELVILLE

Secretary

International Commission on Zoological Nomenclature

London

1 March 1977